

**REMARKS**

Claims 1-5 and 12-19 are no longer pending.

In this paper, claim 19 was canceled and incorporated into Claim 20. Claim 6 was also amended to correct an oversight made in the preliminary amendment. On page 5 of the preliminary amendment, filed July 6, 2001, the VERSION WITH MARKINGS TO SHOW CHANGES MADE presents an amendment to claim 6 to have a strikethrough through the word "article" and replaced with the phrase "sanitary napkin." This change was not present on page 2 of the amendment, which retains the word "article." It is submitted that this was an oversight and the present amendment corrects this oversight and introduces no new matter.

The subject matter of claim 19 was incorporated into claim 20 in view of Bodiguel et al. (WO 97/38738).

**Anticipation Rejection**

Claim 19 was rejected under 35 U.S.C. 102(a) as being anticipated by WO 97/38738 (Bodiguel et al.) ("Bodiguel").

For the reason set forth below, the rejection is traversed.

Bodiguel purports to disclose a sanitary pad containing one or more antiseptics. The antiseptics are of natural origin and may be chosen among the essential oils of geranium, lavender or citronella. (Page 2 of the translation, attached to this paper.) Preferably, the sanitary pad contains from about 0.2 mg to about 20 g antiseptic.

As is well settled, anticipation requires "identity of invention." Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim.

Because claim 19 has been canceled, it is submitted that this ground of rejection is moot and the rejection should be withdrawn.

**Obviousness Rejection**

Claims 20-23 and 6-11 were rejected under 35 U.S.C. 103(a) as being over Bodiguel in view of U.S. Patent No. 5,939,050 (Iyer et al.) ("Iyer") and WO 97/25106 (Romano et al.) ("Romano").

For the reason set forth below, the rejection is traversed.

The disclosure of Bodiguel set forth above is incorporated herein by reference.

Iyer purports to disclose a composition useful in products such as cleaners, wipes, pharmaceuticals and oral hygiene products. (Col. 3, lines 48-50.) Examples of oral hygiene products include dentifrices and mouth rinses. (Col. 3, lines 50-51.) Combinations of microbial agents formed in accordance with the purported invention of Iyer include: (1) an antimicrobial agent A selected from berberine, cedarwood oil, chloramphenicol, citral, citronella oil, cocamidopropyl dimethylglycine, Glycyrrhiza glabra extract, hinokitiol, juicy fruit basil oil, Juniper berries oil, lemon basil oil, lemon oil, and Rosmarinus officinalis oil; and (2) an antimicrobial agent B different from antimicrobial agent A selected from the same list. (Col. 5, lines 49-57.) The combination of the antibacterial agents are preferred because (1) the degree to which the minimal inhibitory concentration (MIC) of the individual antimicrobial agents in the combination is reduced compared to the MIC of those agents when evaluated alone; and (2) the MIC for the individual antimicrobial agents that is achieved due to the combination of agents. (Col. 6, lines 29-35.)

Romano purports to disclose a liquid disinfecting composition having a peroxygen bleach and an antimicrobial active of essential oils, or mixtures thereof. (Page 4, lines 31-33.)

In making the rejection, the Examiner acknowledges that Bodiguel does not specifically disclose the essential oils claimed by applicant (claim 20). (Paper 10 at 4.)

To fill the acknowledged gap, the Examiner relied on Iyer to disclose antimicrobial compositions for use in wipes, cleaners, pharmaceuticals and oral hygiene products and on Romano to disclose liquid disinfecting compositions having an antimicrobial active of essential oil, which have a pleasant scent. (Paper 10 at 4 to 5.)

The Examiner then concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sanitary napkins of Bodiguel to include the antimicrobial and aromatic essential oils disclosed by Iyer and Romano because Iyer and Romano suggest that such essential oils have a pleasant odor and are effective antimicrobials and one of ordinary skill in the art would reasonably expect the resulting sanitary napkins to have antiseptic/antimicrobial properties as well as to suppress or eliminate any malodors associated with the use of a sanitary napkin. (Paper 10 at 5.) The Examiner further reasons that such a modification would have been

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motivated by the reasoned expectation that the resulting sanitary napkins, during use would have prevented unwanted microbial growth while simultaneously providing pleasant aromas. (Paper 10 at 5.)

With all due respect, it is submitted that Iyer and Romano appear not to disclose as much as the Examiner asserts. In particular, both disclose essential oils in combination with other required agents for effective disinfection or MIC. It is not seen where either document discloses the use of essential oils alone as effective agents. No instance has been located where Bodiguel discloses or suggests the claimed invention of newly amended Claim 20 or Claims 21-23 and 6-11. Nor has the Examiner provided any factual evidence of where such disclosure is found in Bodiguel. That was the Examiner's burden. Because the Examiner has not met the minimum burden, the rejection is improper and should be withdrawn.


Nor has the Examiner provided any evidence that even if antimicrobial and aromatic essential oils disclosed by Iyer and Romano were combined with Bodiguel, one of ordinary skill in the art would have been motivated to make the presently claimed invention.

Reconsideration and withdrawal of these rejections are earnestly solicited.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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